

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

RUFUS HUMPHREY,

Petitioner,

vs.

WARDEN, LONDON CORRECTIONAL  
INSTITUTION,

Respondent.

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Case No. 3:04cv301

JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY ADOPTING INITIAL (DOC. #8) AND  
SUPPLEMENTAL (DOC. #11) REPORTS AND RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE JUDGE IN THEIR ENTIRETY;  
PETITIONER'S OBJECTIONS TO SAID JUDICIAL FILINGS (DOCS. #9  
AND #12) OVERRULED; JUDGMENT TO ENTER IN FAVOR OF  
RESPONDENT AND AGAINST PETITIONER, DISMISSING PETITIONER'S  
PETITION FOR WRIT OF HABEAS CORPUS, WITH PREJUDICE;  
CERTIFICATE OF APPEALABILITY AND ANTICIPATED LEAVE TO  
APPEAL *IN FORMA PAUPERIS* DENIED; TERMINATION ENTRY

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Pursuant to the reasoning and citations of authority set forth by the United  
States Magistrate Judge in his Initial (Doc. #8) and Supplemental (Doc. #11)  
Reports and Recommendations, as well as upon a thorough review of the  
applicable law and a *de novo* review of this Court's file, this Court adopts said  
Reports and Recommendations in their entirety, thus ordering the entry of  
judgment in favor of the Respondent and against Petitioner herein, dismissing the

Defendant's Petition for Writ of Habeas Corpus, with prejudice. This Court concludes, as did the Magistrate Judge, that the first three grounds set forth by the Petitioner are procedurally defaulted and, even if not, they fail upon the merits, as do the fourth and fifth grounds for relief.

The Petitioner's Objections to said judicial filings (Docs. #9 and #12) are overruled.

Because reasonable jurists could not disagree with this Court's conclusion rendered herein, adopting the Reports and Recommendations of the United States Magistrate Judge, and, further, given that the Petitioner has failed to make out a substantial showing of the denial of a constitutional right, this Court denies the Petitioner a Certificate of Appealability. Further, given that any appeal from this Court's decision would be objectively frivolous, this Court denies an anticipated request for leave to appeal *in forma pauperis*.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

July 17, 2007

/s/ Walter Herbert Rice

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Rufus Humphrey, #419-960, LCI, P.O. Box 69, London, OH 43140-0069

Chief Magistrate Judge Michael R. Merz